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**ELECTION OBSERVER TEAMS:
INTERNATIONAL SPONSORS**

Vincent Rigby
Political and Social Affairs Division

March 1992



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ELECTION OBSERVER TEAMS: INTERNATIONAL SPONSORS

INTRODUCTION

The practice of sending election observer missions to assess the fairness of elections in foreign countries has a surprisingly long history. In 1857, for example, elections in Moldavia and Wallachia were observed by a European Commission established by the Treaty of Paris,⁽¹⁾ while in 1935 the League of Nations monitored a plebiscite to decide whether the Saar region should be returned to Germany. As well, between 1900 and 1940 the United States observed and in some cases administered elections throughout Central America and the Caribbean.⁽²⁾

It was only after the Second World War, however, that international election-observing truly began to evolve. In 1948 the right to political participation in one's government was recognized as a fundamental human right. The Universal Declaration of Human Rights also recognized the role of elections in ensuring adherence to the right of political participation. From these roots, election-observing has grown steadily over the last 45 years; it now plays an important part in guaranteeing the efficacy of the electoral process in countries throughout the world. The United Nations and the Organization of American States have been the chief international organizations involved in election observance and assistance, while the United States has been the principal country sponsoring international observation missions and providing technical assistance to foreign elections. In the last decade a number of important non-governmental organizations have also become involved in election monitoring. With the recent

(1) L. Garber, *Guidelines for International Election Observing*, International Human Rights Law Group, Washington, 1984, p. 8.

(2) Marilyn Anne Zak, "Assisting Elections in the Third World, *Washington Quarterly*, Autumn 1987, p. 176.

spread of democracy and political pluralism in the Third World and Eastern Europe, the number of missions has increased significantly. What is more, the functions of observers have expanded considerably to meet these new challenges.

This paper will examine some of the major organizations - governmental, inter-governmental and non-governmental - which have specific or quasi-specific mandates for international election observing. The list of groups involved in organizing and sponsoring observer missions is enormous, and this study makes no attempt to cover them all. The paper will also focus on the functions of observer missions, and the lessons that have been learned from recent monitoring experiences.

THE FUNCTIONS OF AN OBSERVER GROUP

The terms of reference of an observer group vary according to circumstances, but the group's primary aim is to monitor every relevant aspect of an election and to determine whether, in the context of the electoral law, the elections have been free and fair; this may include monitoring not only the polling process but also registration and the political campaigns of the competing parties. Most missions have no executive role, although in some cases - Namibia in 1989, for example - international supervision can include the administration of all aspects of an election. Usually, however, domestic authorities administer elections in accordance with their country's constitution. An observer group does no more than bring to the attention of the appropriate electoral authorities any reports of irregularities or other concerns about the election. Lengths of missions vary, from several days to several months, as do their size, depending on the terms of reference. Most organizations will only send an observer group if requested by the host country; once in-country, the group expects to be granted free and open access to the polling places and be allowed to pursue its mandate without interference. The group acts on its own independent judgement and its report represents the views of its members.

In short, observer groups perform four basic functions: (i) they offer psychological support to the parties and voters, reassuring them of the secrecy of the ballot, the fairness of the electoral process and their own safety; (ii) they deter fraud in the balloting and counting procedures; (iii) they report to the international community on the fairness of the

election; and (iv) in some cases, such as Namibia and Nicaragua, they assist in resolving chronic disputes. Observers serve the government by keeping the opposition in the race - an absolute necessity for a legitimate process - and they serve the opposition by ensuring the election will be fair. This way, they can either legitimize a ruling-party victory which would otherwise not be credible, or they can confirm an opposition triumph. If fraud is discovered - in the Philippines in 1986, for example - the incumbent suffers accordingly.⁽³⁾

GOVERNMENTAL ORGANIZATIONS

The diversity in the types of missions sent to observe elections is reflected in the nature of the institutions that organize and sponsor them. Generally speaking, there are three types of organizations involved in election observing: governmental, intergovernmental (IGO) and non-governmental (NGO). Although they represent distinct categories, it must be stressed that these organizations work closely together and form an integrated network.

At the request of a foreign government, either directly or indirectly through an inter-governmental or non-governmental organization, individual countries form official observer missions to monitor elections. Governmental organizations play an important role in this process. In Canada, for instance, the Department of External Affairs (DEA) will receive a request and study its application, sometimes in cooperation with the Canadian International Development Agency (CIDA) and Elections Canada, for decision by the Secretary of State. If the decision is affirmative, then DEA will suggest members for an observer team, which will either operate on its own or as part of a larger international team under the auspices of an IGO or NGO. Funding, if not provided by the host government, comes out of the budget of DEA or CIDA. External Affairs will also advise Canadian NGOs or interest groups whether it is in their best interests to participate in election observing on their own. Governmental organizations in other countries, such as the State Department and the Agency for International Development (AID) in the United States, perform similar roles to those of DEA and CIDA in the election observation process.⁽⁴⁾

(3) See J. McCoy, L. Garber and R. Pastor, "Pollwatching and Peacemaking," *Journal of Democracy*, Fall 1991, p. 104-5 and 107-8.

(4) For a detailed assessment of the role AID plays in election observing, see Zak (1987), p. 177-78.

In Canada, Members of Parliament, representing all three major parties, are often chosen for official observer teams, along with experts from Elections Canada. The latter's activities have included not only observing and supervising elections but also conducting pre-electoral evaluations, providing technical advice and assistance and ensuring the provision of election materials and supplies. Elections Canada has also trained election officials and briefed visiting foreign delegations on the Canadian electoral system. Over the last two years Canadian MPs and Elections Canada officials have combined forces to observe elections in Romania (May 1990), Bulgaria (June 1990), Guatemala (November 1990), Honduras (November 1990), Albania (March 1991), Benin (March 1991), and Nepal (April 1991).⁽⁵⁾

INTERGOVERNMENTAL ORGANIZATIONS

There are a number of IGOs which have been active in supporting international election observing. Included in this number are several regional organizations, especially in Europe, which have just recently taken steps to develop election monitoring programs. IGOs, with their large budgets, have comparative advantages over NGOs in organizing large-scale, long-term observer missions. However, they also have certain limitations. For instance, they are generally barred from intervening in the internal affairs of their members and since states are their "constituencies," their relations with governments are different from those with opposition parties.

(i) **United Nations** (New York): The UN sent its first mission to monitor a by-election in Korea in 1948.⁽⁶⁾ Since then, it has become the leading inter-governmental organization involved in election observing. It has been especially active in situations during transitions from colonial to independent status. Since the mid-1950s, the UN has sent over thirty missions to observe plebiscites, referendums and elections in trust and non-self-governing territories moving towards

(5) See "Elections Canada's Involvement in Movement Toward Democratization," Elections Canada background documentation, May 1991.

(6) Garber (1984), p. 2.

self-determination. More recently, the governments of sovereign states, such as Nicaragua in 1989-90 and Haiti in 1990, have invited the UN to monitor their national elections and verify them as fair and free at every stage.⁽⁷⁾ Before Nicaragua, the UN had never accepted an invitation to observe elections in a member state.

As with most other election monitoring organizations, the UN only authorizes a mission in response to an invitation from the "administering authority or power." A resolution is then drawn up which specifies the mission's membership and its terms of reference. There are different forms of UN involvement in the electoral process. When simply monitoring elections, UN observers, along with the Special Representative of the Secretary-General, evaluate the political education campaign, the political campaign itself, the election day balloting procedures and the counting of the votes. They also "verify" that the election has met previously agreed-upon standards. A report is later prepared and submitted to UN headquarters.⁽⁸⁾

There is also supervision and control of an election by the UN; this form of election involvement has taken place in many trust and non-self-governing territories, as well as Namibia in 1989. This type of "observation" requires that each stage of the election should be carried out to the satisfaction of the Special Representative, who has the authority to call the electoral process to a halt in the event of fraud. The UN can go even further and actually organize and conduct an election. This has been proposed for the Western Sahara. In such a case, the UN is the electoral authority, which means that it issues the regulations for the election and imposes sanctions against those who ignore those regulations.⁽⁹⁾

Although the UN has been at the forefront of international election monitoring since the end of the Second World War, there has been considerable controversy over the precise

(7) See "Election Supervision: The United Nations Experience in Namibia and Nicaragua," *United Nations Focus*, November 1990 and "United Nations Electoral Assistance to Haiti," published by the UN Department of Public Information, March 1991.

(8) See Garber (1984), p. 2; Singapore Symposium, *The Changing Role of the United Nations in Conflict Resolution and Peacekeeping*, March 1991, p. 23.

(9) Singapore Symposium (1991), p. 23; Report of the Secretary-General, *Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections*, General Assembly A/46/609, November 1991, p. 3-4 and *passim*.

role UN observer missions should play. In December 1990 a UN resolution asked the Secretary-General to seek the views of member states, as well as specialized UN agencies and bodies, concerning suitable approaches that would permit the organization to respond to requests for electoral assistance.⁽¹⁰⁾ This led directly to the Secretary-General's November 1991 report, *Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections*. This report reviewed the UN's involvement in election monitoring over the last four and a half decades and concluded that a continued UN role in electoral processes, going beyond mere technical assistance, was desirable. However, the Secretary-General argued that election monitoring should remain an "exceptional activity of the Organization and should be undertaken only in well-defined circumstances." More precisely, there should be a clear understanding of the terms of reference of missions; there should be an international dimension to requests; the monitoring of an election should cover the entire electoral process (both chronologically and geographically) in order to secure conditions of fairness and impartiality; and there should be broad public support in the host country for the despatch of a UN mission.⁽¹¹⁾

The Secretary-General, while reluctant to establish a specific body responsible for election observing, did propose that a Coordinator for Electoral Matters be appointed within the Offices of the Secretary-General to assist in the handling of requests. In the meantime, the UN has set to work on developing detailed guidelines and terms of reference for UN electoral involvement; this will include preparing uniform criteria for the assessment of electoral processes and a manual for use by UN election monitors.⁽¹²⁾ Two UN resolutions passed in December 1991 (46/130 and 46/137) have endorsed the Secretary-General's proposals.

It should also be remembered that in addition to election observing, the UN offers related technical assistance through such UN bodies as the Centre for Human Rights, the Department of Technical Cooperation for Development and the UN Development Programme. This assistance ranges from the provision of experts and consultants on legal or technical matters to the supply of data-processing equipment, electoral material or assistance in the administrative

(10) General Assembly A/RES/45/150; Singapore Symposium (1991), p. 45.

(11) Report of the Secretary-General (1991), p. 20-26.

(12) *Ibid.*, p. 25-26.

and managerial aspects of the electoral process.⁽¹³⁾

(ii) **Organization of American States** (Washington): The OAS has sent election observer missions to more than 25 countries in Central and South America since 1962, including Nicaragua, Costa Rica, Honduras, the Dominican Republic, Panama, Guatemala, Haiti, El Salvador, Paraguay, and Suriname in recent years.⁽¹⁴⁾ Many of these missions have extended over a prolonged period of time. For instance, the OAS acted as an observer to the electoral process in Nicaragua for nearly a year, the first time the organization had agreed to provide an observer presence for the duration of an electoral campaign and voting process.⁽¹⁵⁾ In the December 1990 election in Haiti that brought Jean Bertrand Aristide to power, OAS participation began during the voter registration process which took place in October. Initially, the Organization had about 35 observers in Haiti to monitor registration. During the following months, the number of observers increased to about 185, distributed between the nine regional capitals which acted as the departmental electoral bureaus. Technical, administrative and logistical support was provided by a staff of 15 persons. By the time election day rolled around, the mission was composed of people from 22 member states and four observer nations.⁽¹⁶⁾

When a request for observers is made by a member state, the Secretary-General of the OAS designates a team of observers. The observers, although chosen by the Secretary-General, serve in their individual capacities, and in theory are not OAS representatives. However, OAS observers are generally accompanied by officials from the OAS secretariat, are supported financially by the OAS and submit a report to OAS headquarters.

In the past, OAS countries have objected to the lack of guidance provided to OAS designated election observers. In 1979 a working group was established to study procedures and standards for the appointment of election observers. Although the subject was subsequently

(13) *Ibid.*, p. 4, 16-19.

(14) McCoy, Garber, and Pastor (1991), p. 106; "Dialoguing for Democracy," *Americas*, Vol. 43, No. 1, 1991, p. 55.

(15) "Elections in Nicaragua," *Americas*, Vol. 42, No. 1, 1990, p. 52.

(16) "Electoral Observations," *Americas*, Vol. 42, No. 6, 1990-91, p. 53.

debated by the Permanent Council of the OAS, the recommendations of the working group were never adopted.⁽¹⁷⁾

It was almost a decade before another attempt was made to apply rigid standards and procedures to OAS observer teams. In June 1990 a Canadian resolution was approved by the General Assembly of the OAS in Asuncion, Paraguay, to establish a Unit for the Promotion of Democracy (UPD) under the direct authority of the General Secretariat. The purpose of the UPD, as set out in an Executive Order of October 1990, is to provide a support system to OAS member countries requesting "advice or assistance to preserve or strengthen their political institutions and democratic procedures." In addition to its advisory functions (namely research, training, and education), the UPD will also offer direct electoral assistance. As explained in the UPD's Program of Support, the latter will come in several forms: (i) assistance in the observation of electoral processes, "which, when feasible and when requested by a member state, could include assistance in preparing and conducting the elections and in observing the voting and the post-election phase"; (ii) analysis and evaluation of the various activities conducted up to that time by the Organization in the general area of electoral observation, "including their examination from a logistical and material perspective, so as to facilitate, streamline, and expedite the preparation and conduct of any future activities in that area and, possibly, to reduce their cost"; and (iii) the formulation of criteria to guide the work of electoral observers.⁽¹⁸⁾

With the establishment of UPD, OAS election observer missions no longer operate on an *ad hoc* basis; the process has finally been institutionalized and uniform standards and procedures are currently being worked out. Although the UPD is still evolving and has yet to commence full-scale operations, it is expected that all future OAS observer missions will operate under its auspices. Its budget for 1992 is \$250,000.

(17) Garber (1984), p. 2-3.

(18) For information on UPD, see "Unit for Democratic Development," General Assembly resolution adopted at 8th plenary session, 8 June 1990; "Unit for Democratic Development," General Secretariat Executive Order No. 90-3, 15 October 1990; "Unit for the Promotion of Democracy: Program of Support...", OAS Permanent Council, 10 December 1991; "Dialoguing for Democracy," *Americas*, Vol. 43, No. 1, 1991, p. 55.

(iii) **Commonwealth (London):** By the mid-1980s, the Commonwealth had sent delegations to observe elections in six countries: Malta, British Guiana, Mauritius, Gibraltar, Zimbabwe and Uganda. In each of these instances, the election was being held in a territory controlled by Great Britain or, in the case of Uganda, in a former British colony.⁽¹⁹⁾ More recently, Commonwealth observer missions have been sent to Namibia, Bangladesh, Zambia and Malaysia. The Commonwealth also assisted in setting up the election machinery in Mozambique.

A Commonwealth observer mission is usually established at the request of a Commonwealth government in association with the country's major political parties. The delegation is appointed by the Secretary-General, who also briefs the group before it departs. The mission is usually in a country for up to two weeks, which would include the final week of the campaign, the days of the poll and the period of the count.

A planning mission from the secretariat often precedes the main-observer group to ensure that the government and the political parties have agreed to the invitation. Upon arrival, the observers immediately send letters to all political parties and the news media are alerted to the presence of the mission. The Commonwealth does not seek to "blanket cover" an electorate; the focus is on a representative sampling. In Bangladesh, Malaysia and Zambia, this involved the employment of 12 or 13 observers. The group usually meets in the host capital before fanning out in smaller teams to different parts of the country several days before the actual election. The group's main goal during this period is to establish contact with political parties, election officials, police or security forces and other relevant groups and individuals, such as local poll watch committees, coalitions of peoples' organizations and human rights groups.

The observers monitor the political campaign carefully, including the access of parties to the media. Teams observe rallies and political meetings. The group also keeps an eye on such election issues as the independence of the Electoral Commission, the adequacy of the registration system, the professionalism of the election officers, the nomination process, the voter education programme, and the adequate delivery of election materials.

(19) Garber (1984), p. 3.

On polling day a detailed inspection of all aspects of the polling process is undertaken including the security of ballot papers and boxes and the conduct of the count. The observers are deployed at polling stations well before the opening of the poll and randomly visit polling stations throughout the entire election period, talking to voters, polling officials, party officials and agents to obtain as comprehensive a picture as possible of the manner in which the electoral process is being conducted. Teams monitor the transportation of ballot boxes and are present for the count.

An interim report on the election is prepared for the Secretary-General on conclusion of the count but before the results are announced. A more detailed final report is subsequently issued.⁽²⁰⁾

(iv) Council of Europe (Strasbourg): The Parliamentary Assembly of the Council of Europe has played an important role in promoting democratic reforms in the countries of Central and Eastern Europe over the past two years. The Assembly, in bringing together parliamentarians from 23 countries, possesses a "unique democratic expertise" (in the words of its president, Anders Bjorck) which has been put to effective use in observing elections in the former East Bloc countries. Since its first foray into election monitoring in the German Democratic Republic in March 1990, the Council has sent delegations to Hungary (March-April 1990), Romania (May 1990), Bulgaria (June 1990 and October 1991), the Czech and Slovak Federal Republic (June 1990), Albania (March-April 1991) and Poland (October 1991). Since virtually all of these countries had requested admission to the Council of Europe, the findings of these delegations acquired additional importance.

The procedure for the establishment of a Council of Europe delegation is relatively straight-forward. The country in question invites the Council to send observers to monitor its elections, whereupon the Bureau of the Parliamentary Assembly convenes to issue a decision. In each case in the last two years, that decision has been affirmative. The Bureau

(20) This information has been culled from the following Commonwealth Observer Group Reports: *Presidential and National Assembly Elections in Zambia*, 31 October 1991; *Parliamentary Elections in Bangladesh*, 27 February 1991; *Preparing for a Free Namibia: Elections, Transition and Independence*; *Southern Rhodesia Elections*, February 1980; See also "Commonwealth Election Observer Missions," Backgrounder circulated by Commonwealth Secretariat.

then appoints an *ad hoc* committee on the basis of proposals from the Council's political groups (for instance, the Socialist Group, the Group of the European People's Party, the European Democratic Group, Group of the United European Left and the Liberal Democratic Reformers Group). The Committee usually arrives in the country at least several days before the actual election to conduct a comprehensive review of the election process. The host countries are usually very accommodating, giving the observers every opportunity to watch the polling process, visit electoral districts across the country and establish contacts with electors and representatives of all political forces. In addition, observers have had access to the polling stations and to the vote counting. The Council delegations judged the elections in Central and Eastern Europe in 1990 and 1991 to have been, on the whole, free and democratic.⁽²¹⁾

(v) **Conference on Security and Cooperation in Europe (Prague):** The CSCE has recently taken steps to create an office whose mandate includes sending election-monitoring teams to Central and Eastern Europe. In November 1990, the *Charter of Paris for a New Europe* established the Office for Free Elections in Warsaw. One of the OFE's key functions was to foster the implementation of paragraph 8 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE. In this paragraph, CSCE member-states declared that the "presence of observers...can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States...to observe the course of their national election proceedings, to the extent permitted by law." To this end, the OFE was instructed "to facilitate contact among governments, parliaments or private organizations wishing to observe elections and competent authorities of the States in which elections are to take place." The new office was provided with a small staff and reported to the Council of Ministers of Foreign Affairs through the Committee of Senior Officials.⁽²²⁾

(21) For information on the Council of Europe's election monitoring activities, see Council of Europe's Parliamentary Assembly, *1990 Elections in Five Central and Eastern European Countries*, Strasbourg, 1990; Parliamentary Assembly Information Report, *The Elections in Poland 27 October 1991*, 14 January 1992; Information Report, *Parliamentary Elections in Albania 31 March-7 April and 14 April 1991*, 19 April 1991; Information Report, *Elections in Bulgaria 13 October 1991*, 14 January 1992.

(22) *Charter of Paris for a New Europe*, Paris, November 1990, p. 6-7, Annex I.

At Oslo in November 1991, however, a CSCE seminar of experts on democratic institutions suggested (not for the first time) that the OFE should be transformed into a broadly focused office of democratic institutions. Moving beyond the mere coordination of election observing, this new office would work closely with other institutions active in the field of democratic institution-building, in particular the Council of Europe. The seminar seemed to have in mind the creation of a "clearing house" for co-operative projects.⁽²³⁾

Sure enough, at the Prague meeting of the CSCE Council in January 1992, the OFE was given additional functions and its name changed to the Office for Democratic Institutions and Human Rights. Along with election observing, the new office will "serve as an institutional framework for sharing and exchanging information on available technical assistance, expertise, and national and international programmes aimed at assisting the new democracies in their institution-building." In particular, it has been encouraged to establish contacts with IGOs and NGOs working in the field of democratic development.⁽²⁴⁾

The CSCE has been directly involved in only two monitoring cases: the recent election in Albania and the Ukrainian independence referendum of December 1991.

(vi) **La Francophonie** (Paris): Although La Francophonie has officially sent only one mission to observe elections (to Benin in 1991), the organization has recently taken steps to assume a more active role in the electoral processes of member states. At the latest Francophonie summit in the fall of 1991, a Canadian proposal led to the creation of a Human Rights and Democracy Unit within the organization's Agency for Cultural and Technical Cooperation (ACCT). This body, with an initial budget of \$1.4 million over two years, will have three basic functions: information and documentation, education (on such matters as the functioning of parliament, a free press, and unions) and election observation and technical electoral assistance. In this last area, duties will include not only establishing observer missions and pre-election "reconnaissance

(23) *Report to the CSCE Council from the CSCE Seminar of Experts on Democratic Institutions*, Oslo, 4-15 November 1991, p. 13-14.

(24) "Prague Meeting of the CSCE Council 30-31 January 1992: Draft Summary of Conclusions," section II, p. 2-3.

teams," but also organizing elections themselves and assisting in the drafting of electoral laws and constitutions.⁽²⁵⁾

(vii) European Parliament (Strasbourg): As with other inter-governmental organizations in Europe, the European Parliament has organized teams to monitor elections in Eastern Europe over the last two years. The Secretariat for Parliamentary Delegations is responsible for this function. It has organized missions to Romania (May 1990), Bulgaria (June 1990 and October 1991) and Albania (March-April 1991).

NON-GOVERNMENTAL ORGANIZATIONS

Over the last decade a growing number of NGOs, particularly in the United States, have emerged which specialize in providing observer teams for elections in the Third World and elsewhere. In 1990, for example, 278 organizations, most of them NGOs, provided 2,578 foreign observers for the Nicaraguan elections.⁽²⁶⁾ Governments seeking legitimacy are often more responsive to suggestions made by prestigious, non-partisan private groups than those of governmental or intergovernmental organizations. It should also be mentioned that a number of organizations which have traditionally focused on providing technical electoral assistance are now actively seeking to expand their mandate to include election-observing.

(i) Council of Freely-Elected Heads of Government (Atlanta): The Council is an informal group of eighteen current and former heads of government from throughout the Western Hemisphere whose goal is "to reinforce democracy in the Americas and promote the peaceful resolution of conflict."⁽²⁷⁾ The group was established in November 1986 at "Reinforcing

(25) See, *Contribution Canadienne aux Droits de la Personne et de la Démocratie*, PMO Press Release, 19 November 1991.

(26) R. Pastor, "Nicaragua's Choice; The Making of a Free Election," *Journal of Democracy*, Summer 1990, p. 18.

(27) "The Council of Freely-Elected Heads of Government," Backgrounder released by Latin American and Caribbean Program of the Carter Center of Emory University, January 1992.

Democracy in Americas," a meeting chaired by former US presidents Jimmy Carter and Gerald Ford at the Carter Center of Emory University in Atlanta, Georgia. The Carter Centre's Latin American and Caribbean Programme serves as the Council's headquarters. Among its present members, apart from Carter and Ford, are former Prime Minister Pierre Trudeau of Canada, former President Oscar Arias Sanchez of Costa Rica, and Prime Minister Michael Manley of Jamaica.

The Council has participated in election observing and/or provided technical electoral assistance in countries throughout Latin America. These have included Haiti (1987, 1990-91), Argentina (1987), Chile (1988), Panama (1989), Nicaragua (1989-91), the Dominican Republic (1990), Guyana (1990-92) and Suriname (1991). In the Panamanian election of 1989 Jimmy Carter publicly denounced General Noriega's interruption of the vote count. The Council was also responsible (along with the Commonwealth Secretariat) for postponing the 1991 Guyanese presidential election after the election process was found to be seriously flawed.⁽²⁸⁾

(ii) International Human Rights Law Group (Washington): IHRLG was founded in 1978 "to promote and protect human rights around the world through the application of international human rights law." In 1983 the Law Group introduced its Election Observer Project to monitor the right to political participation. IHRLG pays particular attention to the question of how the electoral process may affect overall human rights situations. It argues that "a truly free and fair election consists of more than secret ballots, convenient polling places, and the responsible reporting of the results; an election is a process which includes the ability of individuals to register to vote, of candidates to campaign, of newspapers to publish and radio and television stations to broadcast, of people to gather at rallies, and of individuals feeling safe when casting their votes."⁽²⁹⁾

(28) For further information on the Council, see the following reports: *The 1990 General Elections in Haiti; Observing Nicaragua's Elections 1989-90; Report of a Mission...to Assess the Registration and Electoral Process in Guyana*, October 20-26, 1991; *1990 Elections in the Dominican Republic*. See also R. Pastor, "Transition to Democracy in the Caribbean: Haiti, Guyana, and Suriname," Presented to the Subcommittee on Western Hemisphere Affairs, Committee on Foreign Affairs, US House of Representatives, 26 June 1991; N. Gordon, "Carter Fosters the 'Shock of the Possible'," *Ottawa Citizen*, 12 February 1992.

(29) See IHRLG, *Activities Report 1978-1989*, p. 6.

In 1984 the Law Group published *Guidelines for International Election Observing*, considered by many to be the "Bible" of election observing. The Law Group has followed many of its own guidelines in the approximately 25 elections it has observed since 1983.⁽³⁰⁾ Many of these have been in Latin America and the Caribbean, but they have also included the fraudulent presidential election in the Philippines in 1986, South Korea's first direct presidential election in 16 years in 1987, and the first multi-candidate elections in more than 60 years in the former Soviet Union in 1989.⁽³¹⁾

(iii) **Center for Democracy** (Washington): The Center for Democracy was created in 1984 "to promote and strengthen the democratic process in the United States and abroad."⁽³²⁾ Along with enhancing legislative development, it has sponsored observer teams in the Bahamas (1987), Costa Rica (1990), El Salvador (1985, 1991), Guatemala (1990-91), Honduras (1989), Nicaragua (1989-90), Panama (1988-89), the Philippines (1985-86) and Poland (1990). The Center has monitored both local and national elections by the government in power and by the major opposition forces. It tries to maintain contact with all groups and to work closely with the local election tribunals.

The Center has conducted both short-term and long-term election monitoring. Short-term observations in Costa Rica, Honduras and El Salvador (1985) originated with invitations from the heads of the Election Tribunals as well as from leaders of the competing political parties. The short-term monitoring project in Poland was conducted in association with the Council of Europe. The missions in Bahamas, El Salvador (1991), Guatemala, Nicaragua, Panama and the Philippines were all long-term. In Guatemala, for instance, the Center opened an International Election Information Center in Guatemala City one week prior to the national elections of 11 November 1991 to disseminate information about parties and the electoral process. Likewise, the Center opened a field office in the capital of El Salvador in mid-February 1991 to monitor all stages of the electoral process leading up to the elections of 10

(30) McCoy, Garber, and Pastor (1991), p. 112.

(31) IHRLG, *Activities Report 1978-89*, p. 6.

(32) Center for Democracy, "Fact Sheet: Promoting the Democratic Process."

March. Staff sought to identify potential trouble spots, and stayed for two weeks after the election until the final official results were released.⁽³³⁾

(iv) **National Democratic Institute** (Washington): NDI is one of the most prestigious NGOs specializing in election observing. Created in 1984 to promote democracy in all its myriad forms throughout the world, it has a broad mandate which includes providing programs in party and legislative training as well as civic education, local government and civil-military relations. NDI has also developed considerable expertise in both reviewing electoral systems and in monitoring elections. NDI has studied the electoral codes of several countries and recommended ways to improve them. It has provided technical assistance for political parties and nonpartisan associations to conduct voter and civic education campaigns, and to organize election monitoring programs, such as pollwatching and independent vote-counting systems. The Institute has also organized more than 20 large-scale international observer delegations that have either helped deter electoral impropriety or exposed fraud where it has occurred.

In the last five years NDI has helped organized observer missions to such countries as the Philippines, Chile, Bulgaria, Czechoslovakia, Dominican Republic, Guatemala, Haiti, Hungary, Pakistan, and Romania, among others. Many of these monitoring projects have been comprehensive. For instance, NDI provided material and technical support for the Bulgarian national elections in 1990 before organizing, along with the National Republican Institute, a 60-member international observer delegation. After the elections, NDI set up programs to promote continued democratic change in the country. In Czechoslovakia in 1991, NDI not only helped organize an international observer delegation for the June elections but set up a series of pre-election programs to promote confidence and participation in the electoral process. And finally, in Pakistan in 1991, NDI conducted a four-month evaluation of the National Assembly elections. This monitoring program included a pre-election analysis of the campaign environment, observation of the balloting and counting processes at more than 600 polling cites, a post-election investigation of complaints by Pakistani parties, and a complex statistical analysis of the election results.⁽³⁴⁾

(33) Center for Democracy, "Fact Sheet: Election Monitoring Programs 1985-91."

(34) See NDI, *A Year in Review 1990*, February 1991; For specific observer missions, see *The May 7, 1989 Panamanian Elections*; *The 1989 Paraguayan Elections: A Foundation for Democratic Change*; *The 1989 Salvadorean Election: Challenges and Opportunities*.

In 1989 NDI received about \$1.7 million in federal funding from the National Endowment for Democracy.⁽³⁵⁾

(v) **International Republican Institute** (Washington): Formerly known as the National Republican Institute for International Affairs, IRI was created at the same time as NDI (1984) and receives approximately the same amount of annual funding from the National Endowment for Democracy. It also receives grants from USAID, while the rest of its funds come from private foundations and individuals. Although more partisan than NDI,⁽³⁶⁾ IRI has a similar mandate. It supports democratic development in a variety of areas, including institution building and party training, civic education and voter awareness, support for multilateral political organizations, international political exchange, and support for political processes. This last area focuses on the promotion of free and fair pluralistic elections. IRI projects are geared towards municipal, legislative or national elections which appear to be threatened by fraud, abuse or intimidation. Typical projects include analyses of electoral laws, training seminars for election commissions and poll watchers, and of course election observer missions. IRI directly administers all its observer missions, often jointly with other organizations, especially its more acclaimed counterpart, NDI. These missions are often multinational in character. The IRI team sent to observe the October 1991 elections in Bulgaria consisted of 60 individuals from 23 countries.

In its early years, IRI worked primarily in Central and Latin America. However, it increasingly sends missions to Eastern Europe, Asia and other parts of the globe. Since 1986, it has administered election observer delegations in Albania, Bulgaria, Cambodia, Chile, Czechoslovakia, East Germany, El Salvador, Haiti, Honduras, Honk Kong, Hungary, Panama, the Philippines, Romania and Yugoslavia.⁽³⁷⁾

(35) See "Taking the Show on the Road," *Campaigns and Elections*, May/June 1989, p. 33.

(36) *Ibid.*, p. 34. IRI believes strongly in fostering a conservative "international support network."

(37) See IRI Fact Sheet; *IRI News*, Winter 1991-92.

(vi) **Liberal and Socialist International** (London): These two groups, both based in London, occasionally organize and sponsor election observer teams. Liberal International sent its first mission to the Philippines in 1986. This election was declared fraudulent by international observers and Ferdinand Marcos was replaced by Corazon Aquino as president soon afterwards. Since then, Liberal International, under the auspices of such IGOs as the National Democratic Institute, has sent approximately eight teams to countries in Africa, Latin America and Europe, including Romania and Zaire in recent years. These missions are invariably of the short-term variety, going into the host country a few days before the election and leaving shortly afterwards.⁽³⁸⁾

(vii) **International Foundation for Electoral Systems** (Washington): IFES was established in 1987 with a mandate "to study, support and strengthen the mechanics of the democratic election process in developing countries and to undertake any appropriate education activities which contribute toward free and fair elections."⁽³⁹⁾ The foundation has four major functions: election problem analysis, technical election assistance, information transfer and election observation. In the last five years IFES has sent 14 pre-election survey teams to four continents and provided on-site technical assistance to the election councils of Bulgaria, Haiti, Guyana, Paraguay, Romania and Venezuela. Election-related material and equipment have been shipped to countries in Latin America and Central Europe, and IFES election observers have produced reports on 14 elections on four continents. Post-election analysis reports have also been completed for eleven countries in Latin America, Asia, Central Europe and North Africa.

The Agency for International Development provides IFES with much of its funding. For example, the direct technical and material assistance IFES provided to the Provisional Electoral Council of Haiti in 1990 was supported by a \$1.86 million grant from US AID.⁽⁴⁰⁾

(38) Interview with Mr. Jules Maaten, Executive Director of Liberal International, 11 March 1992.

(39) IFES, Fact Sheet.

(40) See IFES Newsletter, Fall 1990, p. 1.

(viii) **Latin American Centre for Electoral Promotion and Assistance (Costa Rica):** In 1982 the foreign ministers of Latin America and the Caribbean proposed the creation of an advisory body to provide technical advice and promote elections. The next year, in response to this proposal, the Center for Electoral Promotion and Assistance (otherwise known as CAPEL), under the Inter-American Human Rights Institute in San Jose, Costa Rica, was established.⁽⁴¹⁾

CAPEL has developed programs in research and publication, as well as civic, legal and constitutional education. The Canadian government, through Elections Canada, recently funded a CAPEL civic education campaign in Nicaragua. The Centre's technical assistance program is massive; for instance, it has trained over 500,000 poll watchers since its creation. CAPEL has also assisted in establishing several associations of electoral organizers in the Caribbean and Central and South America; the Center serves as the secretariat and technical arm of these associations as well.

In addition to these functions, CAPEL has been active in election observing. Between 1988 and 1990 alone, the Center monitored 28 elections in 17 countries. In 1991, it observed elections in El Salvador, Paraguay, Argentina, Columbia and Bolivia. CAPEL missions not only monitor and verify elections, but try to link the electoral process to the broader issue of human rights.⁽⁴²⁾

The United States Agency for International Development provides funding to CAPEL for administrative support and some of its specialized programs.⁽⁴³⁾

(ix) **International Institute for Democracy (Strasbourg):** Set up by the Strasbourg Conference on Parliamentary Democracy, the International Institute for Democracy appears to be one of the few large NGOs in Europe devoted to election monitoring.

(x) **International Centre for Human Rights and Democratic Development (Montreal) and Parliamentarians for Global Action (Washington):** These two organizations specialise more

(41) Zak (1987), p. 181-82.

(42) Much of this information derives from telephone interviews with CAPEL officers.

(43) Zak (1987), p. 182.

in the provision of technical electoral assistance than in election monitoring *per se*. However, they are both taking steps to expand their respective mandates to include election observing. The Centre has indicated that it would consider monitoring all types of elections, including presidential, legislative, municipal and even referendums. It has already set out four conditions for its participation in election-observing: (i) observing would take place over an extended period of time, not just immediately before and after election day (ii) the invitation would come from an NGO (iii) the Centre's final report would place the election "in a broader democratic framework for assessment" (iv) nationals of the host country would be used in coordinating the process as much as possible.⁽⁴⁴⁾ ICHRDD has yet to sponsor its first observer team.

LESSONS OF ELECTION OBSERVING

Until recently election observing consisted primarily of passive onlooking. As this survey has shown, however, this approach has begun to change. A recent UN report stated that electoral monitoring "goes beyond the mere recording of the process and inevitably involves a role in the early correction of whatever shortcomings are discovered. A passive role would be untenable, all the more so in situations of extreme mistrust, polarization or violence."⁽⁴⁵⁾ The Namibian and Nicaraguan experiences showed that election observers can even be active mediators and peacemakers.⁽⁴⁶⁾ Since international election-observing is becoming more institutionalized and its role is continuing to expand, it is worthwhile to examine the ongoing lessons that successful observer missions have to offer.⁽⁴⁷⁾

(44) ICHRDD Newsletter, Vol. 1, No. 2, March 1991.

(45) Report of the Secretary-General (1991), p. 20-21.

(46) This is one of the central themes of McCoy, Garber and Pastor (1991).

(47) This conclusion is derived from individual observer reports as well as the following sources: R. Pastor, "Transition to Democracy in the Caribbean: Haiti, Guyana, and Suriname," Presented to the House Committee on Foreign Affairs, 1991, p. 2-6; R. Pastor, "Lessons from Caribbean Elections," *Hemisphere*, Fall 1991, p. 30-32; McCoy, Garber and Pastor (1991), p. 108ff; Garber (1984); Report of UN Secretary-General (1991).

First of all, an observer group should never be despatched to a foreign country unless it is invited by all the major groups in the electoral process - namely the government, the opposition and the election officials. This will help to ensure that the mission is perceived to be fair and trustworthy and that its recommendations will not be dismissed out of hand. The parties must realize that if they ignore any issues considered by the observers to be crucial to a free election, the cost will be high.

The importance of a "sustained, continuous and active presence" cannot be over-emphasized.⁽⁴⁸⁾ As Robert Pastor has recently suggested: "Democracy requires a free election, but it is more than that. That is why we talk of monitoring an entire electoral process, not just an election."⁽⁴⁹⁾ Pastor has identified four stages that must be assessed: pre-election, election, transition and consolidation. In other words, observers should be looking at the long-term institutional development of election systems in order to ensure "free and fair elections on a continuing basis."⁽⁵⁰⁾ All components of an election system, including the education of the voter, should be considered possible areas for assistance. The provision of technical assistance is an integral part of such an assistance programme.

With this in mind, it is essential that a mission become involved in the electoral process as early as possible and that it stay for a period after the election to ensure a smooth transition. A mission requires at least two weeks to perform its duties adequately. In some cases, the time-frame must be even longer. NDI's experience in Pakistan in 1991 is one example. In Nicaragua in 1989 the OAS and the UN established permanent missions in August, well before the October voter registration period. The Center for Democracy also set up a permanent office. The early and continuous presence of observers and visits by leaders of the missions permitted the main observer groups to clarify their mandate, make contact with the participants and develop their trust, and help settle disputes and reassure the voters. As a result,

(48) McCoy, Garber and Pastor (1991), p. 109.

(49) Pastor (1990), p. 2.

(50) Zak (1987), p. 192.

voter participation was high and campaign violence minimal. The high profile of the observers and the consequent media attention played an important part in ensuring a fair and free election.⁽⁵¹⁾

On the other hand, a mission that arrives a day or two before an election can often do more harm than good. Such groups are frequently ill-prepared, having no clear understanding of their terms of reference and lacking an adequate knowledge of the country's language, culture and politics. A group that does not have a well-devised plan for observing the election and does not take the time to meet the major players in the electoral process is of limited use. In Romania in May 1990 an American delegation which stayed in the country only briefly and had a limited focus issued a positive statement on the election. The State Department later contradicted this statement after conferring with other international observer groups that evaluated the overall context of the elections and were more thorough in their analysis.⁽⁵²⁾

There are other important lessons to be learned. For instance, observer groups should work with all sides involved in the electoral process to identify the tasks at hand and any problems which may develop. Most of this work will focus on the registration process, the campaign, the security of candidates and voters, access to the entire voting process by opposition poll watchers and international observers, and the vote count. If problems arise in any of these areas, the local parties should be encouraged to solve them on their own, as this approach teaches the participants that the democratic process requires compromise and team work.⁽⁵³⁾

Missions should listen carefully to all allegations of "electoral irregularity" but examine them closely before reaching any hasty conclusions. Observers should also be confident that they can detect fraud if in fact it takes place. Random selection of sites to observe the election and a parallel count to prevent any tampering with the ballots is considered essential.⁽⁵⁴⁾ If the group cannot correct any discovered fraud, then it has a responsibility to

(51) McCoy, Garber and Pastor (1991), p. 109-11.

(52) *Ibid.*, p. 111.

(53) Pastor (1991), p. 31.

(54) For more information on the "parallel count," see McCoy, Garber and Pastor (1991), p. 112-13.

denounce it. This serves as an effective deterrent, since all parties will know that an effective observer group will not hesitate to expose any irregularities.

CONCLUSION

As countries of the Third World and Eastern Europe continue to embrace democracy in the wake of the Cold War, the role of international election observers grows in importance. Observer groups are in high demand in those countries making the difficult transition from one-party rule, as well as those ripped apart by civil violence or long-standing disputes between political parties. The organizations sponsoring election observer teams continue to grow in number, and every effort is being made to establish strict guidelines so that they can perform their duties with the utmost efficiency. These developments suggest that international election observing has become an indispensable tool in assisting the spread of democracy and the establishment of free electoral systems.



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